

8 apply in like manner to the benefit of such city or town, and credits  
 9 thereunder shall be made to the street fund of such city or town. Such  
 10 city or town may designate the county engineer or, in the case of a  
 11 city, its chief civil engineer, to inspect such street so used jointly with  
 12 the representative of the state highway commission."

1 SEC. 4. This Act being deemed of immediate importance shall be  
 2 in full force and effect from and after its passage and publication in  
 3 The Belmond Independent, a newspaper published in Belmond, Iowa,  
 4 and in The Donnellson Review, a newspaper published in Donnellson,  
 5 Iowa.

Approved July 27, 1967.

This Act was passed by the G. A. on, or after, July 1, 1967.

I hereby certify that the foregoing Act, Senate File 373, was published in The Belmond Independent, Belmond, Iowa, August 3, 1967, and in The Donnellson Review, Donnellson, Iowa, August 3, 1967.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 255

### INTERSTATE BRIDGES

#### S. F. 131

AN ACT authorizing the state highway commission to acquire, purchase and construct interstate bridges, approaches thereto and sites therefor, to reconstruct, complete, improve, repair, remodel, control, maintain, and operate interstate bridges, to establish tolls and charges for the use of interstate bridges, to borrow money and issue bonds payable solely from the revenues derived from the operation of interstate bridges, and to refund bonds payable from such revenues.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. The following words or terms, as used in this Act,  
 2 shall have the respective meanings as stated:

3 "Toll bridge" shall mean an interstate bridge constructed, purchased  
 4 or acquired under the provisions of this Act, upon which tolls are  
 5 charged, together with all appurtenances, additions, alterations, im-  
 6 provements, and replacements thereof, and the approaches thereto,  
 7 and all lands and interests therein used therefor, and buildings and  
 8 improvements thereon.

9 "Commission" shall mean the state highway commission, the agency  
 10 of the state of Iowa created and provided for under the provisions of  
 11 chapter three hundred seven (307) of the Code.

12 "Construct, constructing, construction or constructed" shall include  
 13 the reconstruction, remodeling, repair, or improvement of any existing  
 14 toll bridge as well as the construction of any new toll bridge.

15 "Acquisition by purchase, gift, or condemnation" as used in this  
 16 Act shall mean acquisition by the state highway commission, whether  
 17 such terms "purchase, gift, or condemnation" are used singularly or  
 18 in sequence.

1 SEC. 2. The state highway commission shall have full charge of  
 2 the construction and acquisition of all toll bridges constructed or

3 acquired under the provisions of this Act, the operation and mainte-  
4 nance thereof and the imposition and collection of tolls and charges  
5 for the use thereof. The commission shall have full charge of the  
6 design of all toll bridges constructed under the provisions of this Act.  
7 The commission shall proceed with the construction of such toll  
8 bridges and other facilities and the approaches thereto by contract  
9 immediately upon there being made available funds for such work and  
10 shall prosecute such work to completion as rapidly as practicable. The  
11 commission shall advertise for bids for the construction, reconstruc-  
12 tion, improvement, repair or remodeling of any toll bridge by pub-  
13 lication of a notice once each week for at least two (2) consecutive  
14 weeks in a newspaper published and having a general circulation  
15 throughout the state of Iowa, the first publication to appear at least  
16 fifteen (15) days prior to the date set for receiving bids. The commis-  
17 sion shall have the power to accept such offer or offers, propositions  
18 or bids, and enter into such contract or contracts as it shall deem to  
19 be to the best interest of the state.

1 SEC. 3. The commission is hereby authorized to establish and con-  
2 struct toll bridges upon any public highway, together with approaches  
3 thereto, wherever it is considered necessary or advantageous and prac-  
4 tical for crossing any navigable river between this state and an ad-  
5 joining state. The necessity or advantage and practicality of any toll  
6 bridge shall be determined by the commission. To obtain information  
7 for the consideration of the commission upon the construction of any  
8 toll bridge or any other matter pertaining thereto, any officer or em-  
9 ployee of the state, upon the request of the commission, shall make  
10 reasonable examination, investigation, survey, or reconnaissance to  
11 determine material facts pertaining thereto and shall report such  
12 findings to the commission. The cost thereof shall be borne by the  
13 department or office conducting it from funds provided for its func-  
14 tions.

1 SEC. 4. The commission is hereby authorized to enter into agree-  
2 ments with any federal bridge commission or any county, city, or town  
3 of this state, and with an adjoining state or county, city, or town  
4 thereof, for the purpose of implementing an investigation of the feasi-  
5 bility of any toll bridge project for the bridging of a navigable river  
6 forming a portion of the boundary of this state and such adjoining  
7 state. The commission may use any funds available for the purposes  
8 of this section. Such agreements may provide that in the event any  
9 such project is determined to be feasible and adopted, any advance-  
10 ment of funds by any state, county, city, or town may be reimbursed  
11 out of any proceeds derived from the sale of bonds or out of tolls and  
12 revenues to be derived from such project.

1 SEC. 5. Whenever the commission deems it necessary or advan-  
2 tageous and practical, it may acquire by gift, purchase, or condemna-  
3 tion any interstate bridge which connects with or may be connected  
4 with the public highways and the approaches thereto, except that the  
5 commission may not condemn an existing interstate bridge used for  
6 interstate highway traffic and combined highway and railway traffic  
7 and presently owned by a municipality, or a person, firm, or corpora-  
8 tion engaged in interstate commerce. In connection with the acquisi-

9 tion of any such bridge, the commission and any federal bridge com-  
10 mission or any city, town, county, or other political subdivision of the  
11 state are authorized to do all acts and things as in this Act are pro-  
12 vided for the establishing and constructing of toll bridges and oper-  
13 ating, financing, and maintaining such bridges insofar as such powers  
14 and requirements are applicable to the acquisition of any toll bridge  
15 and its operation, financing, and maintenance. In so doing, they shall  
16 act in the same manner and under the same procedures as provided  
17 for establishing, constructing, operating, financing, and maintaining  
18 toll bridges insofar as such manner and procedures are applicable.  
19 Without limiting the generality of the above provisions, the commis-  
20 sion is hereby authorized to cause surveys to be made to determine the  
21 propriety of acquiring any such bridge and the rights-of-way neces-  
22 sary therefor, and other facilities necessary to carry out the provisions  
23 hereof; to issue, sell, redeem bonds or issue and exchange bonds with  
24 present holders of outstanding bonds of bridges being acquired under  
25 the provisions of this Act and deposit and pay out of the proceeds of  
26 the bonds for the financing thereof; to impose, collect, deposit, and  
27 expend tolls therefrom; to secure and remit financial and other assist-  
28 ance in connection with the purchase thereof; and to carry insurance  
29 thereon.

1 SEC. 6. The commission, its officials, and all state officials are here-  
2 by authorized to perform such acts and make such agreements con-  
3 sistent with the law which are necessary and desirable in connection  
4 with the duties and powers conferred upon them regarding the con-  
5 struction, maintenance, and operation and insurance of toll bridges or  
6 the safeguarding of the funds and revenues required for such con-  
7 struction and the payment of the indebtedness incurred therefor. The  
8 commission shall adopt such rules and regulations in accordance with  
9 the provisions of chapter seventeen A (17A) of the Code as it may  
10 deem necessary for the administration and exercise of its powers and  
11 duties granted by this Act, and shall prepare annual financial state-  
12 ments regarding the operation of such toll bridges which shall be made  
13 available for inspection by the public and by the holders of revenue  
14 bonds issued by the commission under the provisions of this Act at all  
15 reasonable times.

1 SEC. 7. Whenever the commission deems it to be in the best inter-  
2 est of the primary highway system that any new toll bridge be con-  
3 structed upon any public highway and across any navigable river  
4 between this state and an adjoining state, the commission shall adopt  
5 a resolution declaring that the public interest and necessity require  
6 the construction of such toll bridge and authorizing the issuance of  
7 revenue bonds in an amount sufficient for the purpose of obtaining  
8 funds for such construction. The issuance of bonds as provided in this  
9 Act for the construction, purchase, or acquisition of more than one  
10 (1) toll bridge may, at the discretion of the commission, be included  
11 in the same authority and issue or issues of bonds, and the commission  
12 is hereby authorized to pledge the gross revenues derived from the  
13 operation of any such toll bridge under its control and jurisdiction to  
14 pay the principal of and interest on bonds issued to pay the cost of  
15 purchasing, acquiring, or constructing any such toll bridge financed

16 under the provisions of this Act. The commission is hereby granted  
17 wide discretion, in connection with the financing of the cost of any  
18 toll bridge, to pledge the gross revenues of a single toll bridge for the  
19 payment of bonds and interest thereon issued to pay the cost of such  
20 bridge and to pledge the gross revenues of two (2) or more toll bridges  
21 to pay bonds issued to pay the cost of one (1) or more toll bridges and  
22 interest thereon as long as the several bridges included herein are not  
23 more than ten (10) miles apart.

24 In addition, if the commission in its discretion determines that the  
25 construction of a toll bridge cannot be financed entirely through reve-  
26 nue bonds and that the construction of such toll bridge is necessary,  
27 the commission may advance funds from the primary highway fund  
28 to pay for that part of the construction cost, including the cost of  
29 approaches and all incidental costs, which is not paid out of the pro-  
30 ceeds of revenue bonds. After all revenue bonds and interest thereon  
31 issued and sold pursuant to this Act and payable from the tolls and  
32 revenues of said bridge have been fully paid and redeemed or funds  
33 sufficient to pay said bonds and interest, including premium, if any,  
34 have been set aside and pledged for that purpose, then such amount  
35 advanced from the primary road fund shall be repaid to the primary  
36 road fund from the tolls and revenues of said bridge before said bridge  
37 is made a toll free bridge under the provisions of this Act.

1 SEC. 8. Whenever the commission shall authorize the construction  
2 of any toll bridge, the commission is empowered to secure rights-of-  
3 way therefor and for approaches thereto by gift or purchase or by  
4 condemnation in the manner provided by law for the taking of private  
5 property for public purposes.

1 SEC. 9. The right-of-way is hereby given, dedicated, and set apart  
2 upon which to locate, construct, and maintain toll bridges or ap-  
3 proaches thereto or other highway crossings, and transportation facili-  
4 ties thereof or thereto, through, over or across any of the lands which  
5 are now or may be the property of this state, including highways; and  
6 through, over, or across the streets, alleys, lanes, and roads within any  
7 city, town, county, or other political subdivision of the state. If any  
8 property belonging to any city, town, county or other political sub-  
9 division of the state is required to be taken for the construction of any  
10 such bridge or approach thereto or should any such property be in-  
11 jured or damaged by such construction, such compensation therefor  
12 as may be proper or necessary and as shall be agreed upon may be  
13 paid by the commission to the particular county, city, town, or other  
14 political subdivision of the state owning such property, or condemna-  
15 tion proceedings may be brought for the determination of such com-  
16 pensation.

1 SEC. 10. Before the commission shall proceed with any action to  
2 secure right-of-way or with the construction of any toll bridge under  
3 the provisions of this Act, it shall first pass a resolution finding that  
4 public interest and necessity require the acquisition of right-of-way  
5 for and the construction of such toll bridge. Such resolution shall be  
6 conclusive evidence of the public necessity of such construction and  
7 that such property is necessary therefor. To aid the commission in  
8 determining the public interest, a public hearing shall be held in the

9 county or counties of this state in which any portion of a bridge is  
10 proposed to be located. Notice of such hearing shall be published at  
11 least once in a newspaper published and having a general circulation  
12 in the county or counties where such bridge is proposed to be located,  
13 not less than twenty (20) days prior to the date of the hearing. When  
14 it becomes necessary for the commission to condemn any real estate  
15 to be used in connection with any such bridge, or to condemn any  
16 existing bridge, such condemnation shall be carried out in a manner  
17 consistent with the provisions of chapters four hundred seventy-one  
18 (471) and four hundred seventy-two (472) of the Code. In eminent  
19 domain proceedings to acquire property for any of the purposes of  
20 this Act, any bridge, real property, personal property, franchises,  
21 rights, easements, or other property or privileges appurtenant thereto  
22 appropriated or dedicated to a public use or purpose by any person,  
23 firm, private, public or municipal corporation, county, city or town,  
24 district, or any political subdivision of the state, may be condemned  
25 and taken, and the acquisition and use thereof as herein provided for  
26 the same public use or purpose to which such property has been so  
27 appropriated or dedicated, or for any other public use or purpose,  
28 shall be deemed a superior and permanent right and necessity, and a  
29 more necessary use and purpose than the public use or purpose to  
30 which such property has already been appropriated or dedicated, and  
31 any condemnation award may be paid from the proceeds of revenue  
32 bonds issued under the provisions of this Act.

1 SEC. 11. If the commission determines that any toll bridge should  
2 be constructed or acquired under its authority, all costs thereof, in-  
3 cluding land, right-of-way, surveying, engineering, construction, legal  
4 and administrative expenses, and fees of any fiscal adviser, shall be  
5 paid out of any funds available for payment of the cost of the bridge.

1 SEC. 12. The commission is hereby authorized and empowered to  
2 issue revenue bonds for the acquisition, purchase or construction of  
3 any interstate bridge. Any and all bonds issued by the commission  
4 for the acquisition, purchase, or construction of any interstate bridge  
5 under the authority of this Act shall be issued in the name of the Iowa  
6 highway commission and shall constitute obligations only of the com-  
7 mission, shall be identified by some appropriate name, and shall con-  
8 tain a recital on the face thereof that the payment or redemption of  
9 said bonds and the payment of the interest thereon are secured by a  
10 direct charge and lien upon the tolls and other revenues of any nature  
11 whatever received from the operation of the particular bridge for the  
12 acquisition, purchase, or construction of which the bonds are issued  
13 and of such other bridge or bridges as may have been pledged there-  
14 for, and that neither the payment of the principal or any part thereof  
15 nor of the interest thereon or any part thereof constitutes a debt,  
16 liability, or obligation of the state of Iowa. When it is determined by  
17 the commission to be in the best public interest, any bonds issued  
18 under the provisions of this Act may be refunded and refinanced at  
19 a lower rate, the same rate or a higher rate or rates of interest and  
20 from time to time as often as the commission shall find it to be advis-  
21 able and necessary so to do. Bonds issued to refund other bonds there-  
22 tofore issued by the commission under the provisions of this Act may  
23 either be sold in the manner hereinafter provided and the proceeds

24 thereof applied to the payment of the bonds being refunded, or the  
25 refunding bonds may be exchanged for and in payment and discharge  
26 of the bonds being refunded. The refunding bonds may be sold or  
27 exchanged in installments at different times or an entire issue or  
28 series may be sold or exchanged at one (1)\* time. Any issue or series  
29 of refunding bonds may be exchanged in part or sold in part in in-  
30 stallments at different times or at one (1)\* time. The refunding bonds  
31 may be sold at any time on, before, or after the maturity of any of the  
32 outstanding bonds to be refinanced thereby and may be issued for the  
33 purpose of refunding a like or greater principal amount of bonds,  
34 except that the principal amount of the refunding bonds may exceed  
35 the principal amount of the bonds to be refunded to the extent neces-  
36 sary to pay any premium due on the call of the bonds to be refunded  
37 or to fund interest in arrears or about to become due. The gross reve-  
38 nues of any toll bridge pledged to the payment of the bonds being re-  
39 funded, together with the unpledged gross revenues of any other toll  
40 bridges located within ten (10) miles of said bridge, may be pledged  
41 by the commission to pay the principal of and interest on the refund-  
42 ing bonds and to create and maintain reserves therefor.

43 The commission is empowered to receive and accept funds from the  
44 state of Iowa or the federal government or any other state upon a  
45 cooperative or other basis for the acquisition, purchase, or construc-  
46 tion of any interstate bridge authorized under the provisions of this  
47 Act and is empowered to enter into such agreements with the state of  
48 Iowa or any other state or the federal government as may be required  
49 for the securing of such funds.

50 The commission is authorized and empowered to spend from annual  
51 primary road fund receipts sufficient moneys to pay the cost of opera-  
52 tion, maintenance, insurance, collection of tolls and accounting there-  
53 for and all other charges incidental to the operation and maintenance  
54 of any toll bridge administered under the provisions of this Act.

1 SEC. 13. The revenue bonds may be issued and sold or exchanged  
2 by the commission from time to time and in such amounts as it deems  
3 necessary to provide sufficient funds for the acquisition, purchase, or  
4 construction of any such bridge and to pay interest on bonds issued  
5 for the construction of any toll bridge during the period of actual con-  
6 struction and for six (6) months after completion thereof. The com-  
7 mission is hereby authorized to adopt all necessary resolutions pre-  
8 scribing the form, conditions, and denominations of the bonds, the  
9 maturity dates therefor, and the interest rate or rates which the bonds  
10 shall bear. All bonds of the same issue need not bear the same interest  
11 rate. Principal and interest of the bonds shall be payable at such place  
12 or places within or without the state of Iowa as determined by the  
13 commission, and the bonds may contain provisions for registration as  
14 to principal or interest, or both. Interest shall be payable at such  
15 times as determined by the commission and the bonds shall mature at  
16 such times and in such amounts as the commission prescribes. The  
17 commission may provide for the retirement of the bonds at any time  
18 prior to maturity, and in such manner and upon payment of such pre-  
19 miums as it may determine in the resolution providing for the issuance

\*According to enrolled Act.

20 of the bonds. All such bonds and any coupons attached thereto shall  
21 be signed by such officials of the commission as the commission may  
22 direct. Successive issues of such bonds within the limits of the original  
23 authorization shall have equal preference with respect to the payment  
24 of the principal thereof and the payment of interest thereon. The  
25 commission may fix different maturity dates, serially or otherwise, for  
26 successive issues under any one (1)\* original authorization. All bonds  
27 issued under the provisions of this Act shall have all the qualities of  
28 negotiable instruments under the laws of the state of Iowa. All bonds  
29 issued and sold hereunder shall be sold to the highest and best bidder  
30 on the basis of sealed proposals received pursuant to a notice specifying  
31 the time and place of sale and the amount of bonds to be sold  
32 which shall be published at least once not less than seven (7) days  
33 prior to the sale in a newspaper published in the state of Iowa and  
34 having a general circulation in said state. None of the provisions of  
35 chapter seventy-five (75) of the Code shall apply to bonds issued  
36 under the provisions of this Act but such bonds shall be sold upon  
37 terms of not less than par plus accrued interest. The commission may  
38 reject any or all bids received at the public sale and may thereafter  
39 sell the bonds at private sale on such terms and conditions as it deems  
40 most advantageous to its own interests, but not at a price below that  
41 of the best bid received at the advertised sale. The commission may  
42 enter into contracts and borrow money through the sale of bonds of  
43 the same character as those herein authorized, from the United States  
44 or any agency thereof, upon such conditions and terms as may be  
45 agreed to and the bonds shall be subject to all the provisions of this  
46 Act, except that any bonds issued hereunder to the United States or  
47 any agency thereof need not first be offered at public sale. The commission may also provide for the private sale of bonds issued under  
48 the provisions of this Act to the state treasurer of Iowa upon such  
49 terms and conditions as may be agreed upon, and in such event said  
50 bonds need not first be offered at public sale. Temporary or interim  
51 bonds, certificates, or receipts, of any denomination, and with or without  
52 coupons attached, signed by such official as the commission may  
53 direct, may be issued and delivered until the definitive bonds are  
54 executed and available for delivery.

1 SEC. 14. The proceeds from the sale of all bonds authorized and  
2 issued under the provisions of this Act shall be deposited by the commission in a fund designated as the construction fund of the particular  
3 interstate bridge or bridges for which such bonds were issued and  
4 sold, which fund shall not be a state fund and shall at all times be kept  
5 segregated and set apart from all other funds and in trust for the purposes  
6 herein set out. Such proceeds shall be paid out or disbursed  
7 solely for the acquisition, purchase, or construction of such interstate  
8 bridge or bridges and expenses incident thereto, the acquisition of the  
9 necessary lands and easements therefor and the payment of interest  
10 on such bonds during the period of actual construction and for a  
11 period of six (6) months thereafter, only as the need therefor shall  
12 arise and the commission may agree with the purchaser of said bonds  
13 upon any conditions or limitations restricting the disbursement of  
14

\*According to enrolled Act.

15 such funds that may be deemed advisable, for the purpose of assuring  
16 the proper application of such funds. All moneys in such fund and  
17 not required to meet current construction costs of the interstate bridge  
18 or bridges for which such bonds were issued and sold, and all funds  
19 constituting surplus revenues which are not immediately needed for  
20 the particular object or purpose to which they must be applied or are  
21 pledged may be invested in obligations issued or guaranteed by the  
22 United States or by any person controlled by or supervised by and  
23 acting as an instrumentality of the United States pursuant to author-  
24 ity granted by the congress of the United States; provided, however,  
25 that the commission may provide in the proceedings authorizing the  
26 issuance of said bonds that the investment of such moneys shall be  
27 made only in particular bonds and obligations within the classifica-  
28 tions eligible for such investment and such provisions shall thereupon  
29 be binding upon the commission and all officials having anything to do  
30 with such investment. Any surplus which may exist in said construc-  
31 tion fund shall be applied to the retirement of bonds issued for the  
32 acquisition, purchase, or construction of any such interstate bridge by  
33 purchase or call and, in the event such bonds cannot be purchased at a  
34 price satisfactory to the commission and are not by their terms call-  
35 able prior to maturity, such surplus shall be paid into the fund appli-  
36 cable to the payment of principal and interest of said bonds and shall  
37 be used for that purpose. The proceedings authorizing the issuance  
38 of bonds may provide limitations and conditions upon the time and  
39 manner of applying such surplus to the purchase and call of outstand-  
40 ing bonds and the terms upon which they shall be purchased or called  
41 and such limitations and conditions shall be followed and observed in  
42 the application and use of such surplus. All bonds so retired by pur-  
43 chase or call shall be immediately canceled.

1 SEC. 15. All tolls or other revenues received from the operation of  
2 any toll bridge acquired, purchased, or constructed with the proceeds  
3 of bonds issued and sold hereunder shall be deposited by the commis-  
4 sion to the credit of a special trust fund to be designated as the toll  
5 revenue fund of the particular toll bridge or toll bridges producing  
6 such tolls or revenue, which fund shall be a trust fund and shall at all  
7 times be kept segregated and set apart from all other funds.

1 SEC. 16. From the money so deposited in each separate construc-  
2 tion fund as hereinabove provided, at the direction of the commission  
3 there shall be transferred to the place or places of payment named in  
4 said bonds such sums as may be required to pay the interest as it be-  
5 comes due on all bonds issued and outstanding for the construction of  
6 such particular toll bridge or toll bridges during the period of actual  
7 construction and during the period of six (6) months immediately  
8 thereafter. The commission shall thereafter transfer from each sepa-  
9 rate toll revenue fund to the place or places of payment named in the  
10 bonds for which said revenues have been pledged such sums as may  
11 be required to pay the interest on said bonds and redeem the principal  
12 thereof as such interest and principal become due. All funds so trans-  
13 ferred for the payment of principal of or interest on bonds issued for  
14 any particular toll bridge or toll bridges shall be segregated and  
15 applied solely for the payment of said principal or interest. The pro-  
16 ceedings authorizing the issuance of the bonds may provide for the



17 setting up of a reserve fund or funds out of the tolls and other reve-  
18 nues not needed for the payment of principal and interest, as the same  
19 currently matures and for the preservation and continuance of such  
20 fund in a manner to be provided therein, and such proceedings may  
21 also require the immediate application of all surplus moneys in such  
22 toll revenue fund to the retirement of such bonds prior to maturity,  
23 by call or purchase, in such manner and upon such terms and the pay-  
24 ment of such premiums as may be deemed advisable in the judgment  
25 of the commission. The moneys remaining in each separate toll reve-  
26 nue fund after providing the amount required for the payment of  
27 principal of and interest on bonds as hereinabove provided, shall be  
28 held and applied as provided in the proceedings authorizing the issu-  
29 ance of said bonds. In the event the proceedings authorizing the issu-  
30 ance of said bonds do not require surplus revenues to be held or ap-  
31 plied in any particular manner, they shall be allocated and used for  
32 such other purposes incidental to the construction, operation, and  
33 maintenance of any toll bridge as the commission may determine and  
34 as permitted under sections seven (7) and twelve (12) of this Act.

1 SEC. 17. Warrants for payments to be made on account of such  
2 bonds shall be drawn by the commission on duly approved vouchers.  
3 Moneys required to meet the costs of purchase or construction and all  
4 expenses and costs incidental to the acquisition, purchase, or construc-  
5 tion of any particular interstate bridge or to meet the costs of oper-  
6 ating, maintaining, and repairing the same, shall be paid by the com-  
7 mission from the proper fund therefor upon duly approved vouchers.  
8 All interest received or earned on money deposited in each and every  
9 fund herein provided for shall be credited to and become a part of the  
10 particular fund upon which said interest accrues.

1 SEC. 18. The commission may provide in the proceedings author-  
2 izing the issuance of bonds or may otherwise agree with the purchas-  
3 ers of bonds regarding the deposit of all moneys constituting the con-  
4 struction fund and the toll revenue fund and provide for the deposit  
5 of such money at such times and with such depositaries or paying  
6 agents and upon the furnishing of such security as may meet with the  
7 approval of the purchasers of such bonds.

1 SEC. 19. Notwithstanding any provision contained in this Act, the  
2 proceeds received from the sale of bonds and the tolls or other reve-  
3 nues received from the operation of any toll bridge may be used to  
4 defray any expenses incurred by the commission in connection with  
5 and incidental to the issuance and sale of bonds for the acquisition,  
6 purchase, or construction of any such toll bridge including expenses  
7 for the preparation of surveys and estimates, legal, fiscal and admin-  
8 istrative expenses, and the making of such inspections and examina-  
9 tions as may be required by the purchasers of such bonds; provided,  
10 that the proceedings authorizing the issuance of such bonds may con-  
11 tain appropriate provisions governing the use and application of said  
12 bond proceeds and toll or other revenues for the purposes herein  
13 specified.

1 SEC. 20. While any bonds issued by the commission remain out-  
2 standing, the powers, duties or existence of the commission or of any

3 other official or agency of the state shall not be diminished or impaired  
4 in any manner that will affect adversely the interests and rights of  
5 the holders of such bonds. The holder of any bond may by mandamus  
6 or other appropriate proceeding require and compel the performance  
7 of any of the duties imposed upon any state department, official, or  
8 employee or imposed upon the commission or its officers, agents, and  
9 employees in connection with the acquisition, purchase, construction,  
10 maintenance, operation, and insurance of any bridge and in connection  
11 with the collection, deposit, investment, application, and disbursement  
12 of all tolls and other revenues derived from the operation and use of  
13 any bridge and in connection with the deposit, investment, and dis-  
14 bursement of the proceeds received from the issuance of bonds; pro-  
15 vided, that the enumeration of such rights and remedies herein shall  
16 not be deemed to exclude the exercise or prosecution of any other  
17 rights or remedies by the holders of such bonds.

1 SEC. 21. When any toll bridge authorized hereunder is being built  
2 by the commission it may carry or cause to be carried such an amount  
3 of insurance or indemnity bond or bonds as protection against loss or  
4 damage as it may deem proper. The commission is hereby further  
5 empowered to carry such an amount of insurance to cover any acci-  
6 dent or destruction in part or in whole to any toll bridge. All moneys  
7 collected on any indemnity bond or insurance policy as the result of  
8 any damage or injury to any such toll bridge shall be used for the  
9 purpose of repairing or rebuilding of any such toll bridge as long as  
10 there are revenue bonds against any such structure outstanding and  
11 unredeemed. The commission is also empowered to carry insurance  
12 or indemnity bonds insuring against the loss of tolls or other revenues  
13 to be derived from any such toll bridge by reason of any interruption  
14 in the use of such toll bridge from any cause whatever, and the pro-  
15 ceeds of such insurance or indemnity bonds shall be paid into the fund  
16 into which the tolls and other revenues of the bridge thus insured are  
17 required to be paid and shall be applied to the same purposes and in  
18 the same manner as other moneys in the said fund. Such insurance or  
19 indemnity bonds may be in an amount equal to the probable tolls and  
20 other revenues to be received from the operation of such toll bridge  
21 during any period of time that may be determined upon by the com-  
22 mission and fixed in its discretion, and be paid for out of the toll reve-  
23 nue fund as may be specified in said proceedings. The commission  
24 may provide in the proceedings authorizing the issuance of bonds for  
25 the carrying of insurance as authorized by this Act and the purchase  
26 and carrying of insurance as authorized by this Act shall thereupon  
27 be obligatory upon the commission and be paid for out of the toll  
28 revenue fund as may be specified in said proceedings.

1 SEC. 22. The commission is hereby empowered to fix the rates of  
2 toll and other charges for all interstate bridges acquired, purchased,  
3 or constructed under the terms of this Act. Toll charges so fixed may  
4 be changed from time to time as conditions may warrant. The com-  
5 mission in establishing toll charges shall give due consideration to the  
6 amount required annually to pay the principal of and interest on bonds  
7 payable from the revenues thereof. The tolls and charges shall be at  
8 all times fixed at rates sufficient to pay the bonds and interest as they

9 mature, together with the creation and maintenance of bond reserve  
10 funds and other funds as established in the proceedings authorizing  
11 the issuance of the bonds, for any particular toll bridge. The amounts  
12 required to pay the principal of and interest on bonds shall constitute  
13 a charge and lien on all such tolls and other revenues and interest  
14 thereon and sinking funds created therefrom received from the use  
15 and operation of said toll bridge, and the commission is hereby author-  
16 ized to pledge a sufficient amount of said tolls and revenues for the  
17 payment of bonds issued under the provisions of this Act and interest  
18 thereon and to create and maintain a reserve therefor. Such tolls and  
19 revenues, together with the interest earned thereon, shall constitute  
20 a trust fund for the security and payment of such bonds and shall not  
21 be used or pledged for any other purpose as long as such bonds or any  
22 of them are outstanding and unpaid.

1 SEC. 23. Whenever a proposed interstate bridge is to be acquired,  
2 purchased or constructed, any city, town, county, or other political  
3 subdivision located in relation to such facility so as to benefit directly  
4 or indirectly thereby, may, either jointly or separately, at the request  
5 of the commission advance or contribute money, rights-of-way, labor,  
6 materials, and other property toward the expense of acquiring, pur-  
7 chasing or constructing the bridge, and for preliminary surveys and  
8 the preparation of plans and estimates of cost therefor and other pre-  
9 liminary expenses. Any such city, town, county, or other political  
10 subdivision may, either jointly or separately, at the request of the  
11 commission advance or contribute money for the purpose of guaran-  
12 teeing the payment of interest or principal on the bonds issued by the  
13 commission to finance the bridge. Appropriations for such purposes  
14 may be made from any funds available, including county road funds  
15 received from or credited by the state, or funds obtained by excess tax  
16 levies made pursuant to law or the issuance of general obligation  
17 bonds for this purpose. Money or property so advanced or contributed  
18 may be immediately transferred or delivered to the commission to be  
19 used for the purpose for which contribution was made. The commis-  
20 sion may enter into an agreement with a city, town, county, or other  
21 political subdivision to repay any money or the value of a right-of-  
22 way, labor, materials or other property so advanced or contributed.  
23 The commission may make such repayment to a city, town, county, or  
24 other political subdivision and reimburse the state for any expendi-  
25 tures made by it in connection with the bridge out of tolls and other  
26 revenues for the use of the bridge.

1 SEC. 24. If the commission deems that any land, including im-  
2 provements thereon, is no longer required for toll bridge purposes and  
3 that it is in the public interest, it may negotiate for the sale of such  
4 land to the state or to any city, town, county, or other political sub-  
5 division or municipal corporation of the state. The commission shall  
6 certify the agreement for the sale to the state executive council, with  
7 a description of the land and the terms of the sale and the state execu-  
8 tive council may execute the deed and deliver it to the grantee.

1 SEC. 25. If the commission is of the opinion that any land, includ-  
2 ing improvements thereon, is no longer required for toll bridge pur-  
3 poses, it may be offered for sale upon publication of a notice once each

4 week for two (2) consecutive weeks in a newspaper published and  
5 having a general circulation throughout the state of Iowa, specifying  
6 the time and place fixed for the receipt of bids.

1 SEC. 26. The commission may reject all such bids if the highest  
2 bid does not equal the reasonable fair market value of the real prop-  
3 erty, plus the value of the improvements thereon, computed on the  
4 basis of the reproduction value less depreciation. The commission  
5 may accept the highest and best bid, and certify the agreement for  
6 the sale to the state executive council, with a description of the land  
7 and the terms of the sale and the state executive council shall execute  
8 the deed and deliver it to the grantee.

1 SEC. 27. If the commission deems it consistent with the use and  
2 operation of any toll bridge, the commission may grant franchises to  
3 persons, firms, associations, private or municipal corporations, the  
4 United States government or any agency thereof, to use any portion  
5 of the property of any toll bridge, including approaches thereto, for  
6 the construction and maintenance of water pipes, flumes, gas pipes,  
7 telephone, telegraph and electric light and power lines and conduits,  
8 trams or railways, and any other such facilities in the manner of  
9 granting franchises on state highways.

1 SEC. 28. Any moneys received pursuant to the provisions of sec-  
2 tions twenty-four (24) through twenty-seven (27) of this Act shall  
3 be deposited by the commission into the separate and proper trust  
4 fund established for the bridge.

1 SEC. 29. The commission shall have the right to impose and re-  
2 impose tolls for pedestrian or vehicular traffic over any interstate  
3 bridges under its control and jurisdiction for the purpose of paying  
4 the cost of reconstructing and improving existing bridges and their  
5 approaches, purchasing existing bridges, and constructing new bridges  
6 and approaches, provided that any such existing bridge or new bridge  
7 is located within ten miles of the bridge on which tolls are so imposed  
8 or reimposed, to pay interest on and create a sinking fund for the  
9 retirement of revenue bonds issued for the account of such projects  
10 and to pay any and all costs and expenses incurred by the commission  
11 in connection with and incidental to the issuance and sale of bonds and  
12 for the preparation of surveys and estimates and to establish the re-  
13 quired interest reserves for and during the estimated construction  
14 period and for six (6) months thereafter.

1 SEC. 30. The bridges herein provided for may be incorporated into  
2 the primary road system as toll free bridges whenever the costs of the  
3 construction of the bridges and the approaches thereto and the recon-  
4 struction and improvement of existing bridges and approaches thereto,  
5 including all incidental costs, have been paid and when all revenue  
6 bonds and interest thereon issued and sold pursuant to this Act and  
7 payable from the tolls and revenues thereof shall have been fully paid  
8 and redeemed or funds sufficient to pay said bonds and interest, in-  
9 cluding premium, if any, have been set aside and pledged for that  
10 purpose. However, tolls may again be imposed as provided in section  
11 twenty-nine (29) of this Act.

1 SEC. 31. The commission shall have the power and is hereby au-  
2 thorized by resolution to issue, sell, or pledge its revenue bonds in an  
3 amount sufficient to provide funds to pay all or any part of the costs  
4 of construction of a new bridge and approaches thereto and the re-  
5 construction, improvement, and maintaining of an existing bridge and  
6 approaches thereto, including all costs of survey, acquisition of right-  
7 of-way, engineering, legal, fiscal and incidental expenses, to pay the  
8 interest due thereon during the period beginning with the date of issue  
9 of the bonds and ending at the expiration of six (6) months after the  
10 first imposition and collection of tolls from the users of said bridges,  
11 and all costs incidental to the issuance and sale of the bonds.

12 Except as may be otherwise specifically provided by statute, all of  
13 the other provisions of this Act shall govern the issuance and sale of  
14 revenue bonds issued under this section, the execution thereof, the  
15 disbursement of the proceeds of issuance thereof, the interest rate or  
16 rates thereon, their form, terms, conditions, covenants,\* negotiabil-  
17 ity, denominations, maturity date or dates, the creation of special  
18 funds or accounts safeguarding and providing for the payment of the  
19 principal thereof and interest thereon, and their manner of redemp-  
20 tion and retirement.

21 Such bonds shall include a covenant that the payment of the prin-  
22 cipal thereof and the interest thereon are secured by a first and direct  
23 charge and lien on all of the tolls and other gross revenues received  
24 from the operation of said toll bridges and from any interest which  
25 may be earned from the deposit or investment of any such revenues.  
26 The tolls and charges to be imposed shall be fixed in such amounts so  
27 that when collected they will produce revenues that shall be at least  
28 sufficient to pay all expenses of operating, maintaining, and repairing  
29 said toll bridges, including all insurance costs, amounts for adequate  
30 reserves and coverage of annual debt service on said bonds, and all  
31 payments necessary to pay the principal thereof and interest thereon.\*\*

1 SEC. 32. The commission is hereby authorized to operate and to  
2 assume the full control of said toll bridges and each portion thereof  
3 whether within or without the borders of the state of Iowa, with full  
4 power to impose and collect tolls from the users of such bridges for  
5 the purpose of providing revenues at least sufficient to pay the cost  
6 and incidental expenses of construction and acquisition of said bridges  
7 and approaches in both states in which located and for the payment of  
8 the principal of and interest on its revenue bonds as authorized by this  
9 Act.

1 SEC. 33. Under no circumstances shall any bonds issued under the  
2 terms of this Act be or become or be construed to constitute a debt of  
3 or charge against the state of Iowa within the purview of any consti-  
4 tutional or statutory limitation or provision. No taxes, appropriations  
5 or other funds of the state of Iowa may be pledged for or used to pay  
6 such bonds or the interest thereon, but any such bonds shall be payable  
7 solely and only as to both principal and interest from the tolls and  
8 revenues derived from the operation of any toll bridge or toll bridges  
9 acquired, purchased, or constructed under this Act, and the sole rem-

\*According to enrolled Act.

\*\*Amended by chapter 256, §1.

10 edy for any breach or default of the terms of any such bonds or pro-  
11 ceedings for their issuance shall be a proceeding either in law or in  
12 equity by suit, action or mandamus to enforce and compel performance  
13 of the duties required by this Act and the terms of the resolution under  
14 which such bonds are issued.

1 SEC. 34. The commission is authorized to enter into such agree-  
2 ment or agreements with other state highway commissions and the  
3 governmental agencies or subdivisions of the state of Iowa or other  
4 states and with federal bridge commissions as they shall find necessary  
5 or convenient to carry out the purposes of this Act, and is authorized  
6 to do any and all acts contained in such agreement or agreements that  
7 are necessary or convenient to carry out the purposes of this Act.  
8 Such agreements may include, but shall not be restricted to, the fol-  
9 lowing provisions:

10 1. A provision that the commission shall assume and have complete  
11 responsibility for the operation of such bridges and approaches there-  
12 to, and with full power to impose and collect all toll charges from the  
13 users of such bridges and to disburse the revenue derived therefrom  
14 for the payment of principal and interest on any revenue bonds herein  
15 provided for and to carry out the purposes of this Act.

16 2. A provision that the commission shall provide for the issuance,  
17 sale, exchange or pledge, and payment of revenue bonds payable solely  
18 from the revenues derived from the imposition and collection of tolls  
19 upon such toll bridges.

20 3. A provision that the commission, after consultation with the  
21 other governmental agencies or subdivisions who are parties to such  
22 agreements, shall fix and revise the classifications and amounts of tolls  
23 to be charged and collected from the users of the toll bridges, with the  
24 further provision that such toll charges shall be removed after all costs  
25 of planning, designing, and construction of such toll bridges and ap-  
26 proaches thereto and all incidental costs shall have been paid, and all  
27 of said revenue bonds, and interest thereon, issued pursuant to this  
28 Act shall have been fully paid and redeemed or funds sufficient there-  
29 for have been set aside and pledged for that purpose.

30 4. A provision that all acts pertaining to the design and construc-  
31 tion of such toll bridges may be done and performed by the commission  
32 and that any and all contracts for the construction of such toll bridges  
33 shall be awarded in the name of the commission.

34 5. A provision that the state of Iowa and adjoining state and all  
35 governmental agencies or subdivisions party to such agreement shall  
36 be reimbursed out of the proceeds of the sale of such bonds or out of  
37 tolls and revenues as herein allowed for any advances they may have  
38 made or expenses they may have incurred for any of the purposes for  
39 which said revenue bonds may be issued, after duly verified itemized  
40 statements of such advances and expenses have been submitted to and  
41 been approved by all parties to such agreement.

42 6. A provision that when all outstanding indebtedness or other obli-  
43 gations payable from the revenues of such bridges have been paid the  
44 adjoining state agrees to accept ownership of that portion of the  
45 bridge within such state and agrees to pay the cost of maintaining  
46 such portions of the bridge or proportionate share of the total cost of  
47 maintaining the bridge.

1 SEC. 35. Counties are hereby authorized to issue general obliga-  
2 tion bonds for the purpose of contributing money to the commission to  
3 help finance the construction of toll bridges across navigable rivers  
4 constituting boundaries between the county and an adjoining state.  
5 Prior to the issuance of such bonds the board of supervisors shall call  
6 and hold an election in said county at which the proposition shall be  
7 submitted to the voters of the county in the following form:

8 "Shall the county of ..... issue its bonds in the amount of  
9 \$. ..... for the purpose of .....?"

10 Notice of such election, stating the date of the election, the hours of  
11 opening and closing the polls, the precincts and polling places therefor,  
12 and the question to be submitted shall be published once each week for  
13 three (3) consecutive weeks in at least one (1) newspaper published  
14 and having a general circulation in the county. The election shall be  
15 held on a day not less than five (5) nor more than twenty (20) days  
16 after the last publication of such notice. The proposition shall not be  
17 deemed carried or adopted unless the vote in favor thereof is equal to  
18 at least sixty (60) percent of the total vote cast for and against said  
19 proposition at said election.

1 SEC. 36. The exercise of the powers granted by this Act will be in  
2 all respects for the benefit of the people of the state of Iowa, for the  
3 increase of their commerce and prosperity and for the improvement  
4 of their health and living conditions, and as the acquisition, construc-  
5 tion, operation, and maintenance by the commission of the projects  
6 herein defined will constitute the performance of essential govern-  
7 mental functions, the commission shall not be required to pay any  
8 taxes or assessments upon such projects or upon any property acquired  
9 or used by the commission under the provisions of this Act or upon the  
10 income from such projects, and the bonds issued under the provisions  
11 of this Act, their transfer and the income therefrom including any  
12 profit made on the sale thereof shall at all times be free from taxation  
13 by or within the state of Iowa.

1 SEC. 37. Any person who uses any toll bridge and fails or refuses  
2 to pay the toll provided therefor shall be punished by a fine of not  
3 more than one hundred (100) dollars or by imprisonment for not more  
4 than thirty (30) days, or both.

1 SEC. 38. This Act shall be construed as providing an alternative  
2 and independent method for the acquisition, purchase, or construction  
3 of interstate bridges, for the issuance and sale or exchange of bonds  
4 in connection therewith and for refunding bonds pertinent thereto,  
5 and for the imposition, collection, and application of the proceeds of  
6 tolls and charges for the use of interstate bridges, without reference  
7 to any other statute, and shall not be construed as an amendment of  
8 or subject to the provisions of any other law, and no publication of  
9 any notice, and no other or further proceeding in respect to the issu-  
10 ance or sale or exchange of bonds under this Act shall be required  
11 except such as are prescribed by this Act, any provisions of other stat-  
12 utes of the state to the contrary notwithstanding.

1 SEC. 39. This Act, being necessary for the public safety and wel-  
2 fare, shall be liberally construed to effectuate the purposes thereof.

3 If any provision of this Act or the application thereof to any person  
 4 or circumstances is held to be invalid, such invalidity shall not affect  
 5 other provisions or applications of the Act which can be given effect  
 6 without the invalid provisions or application, and to this end the pro-  
 7 visions of this Act are declared to be severable.

Approved June 22, 1967.

## CHAPTER 256

### INTERSTATE BRIDGES

S. F. 878

AN ACT relating to interstate bridges and the financing thereof and to amend senate file one hundred thirty-one (131), Acts of the Sixty-second (62nd) General Assembly.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Senate file one hundred thirty-one (131),\* Acts of the  
 2 Sixty-second (62nd) General Assembly, is hereby amended by strik-  
 3 ing the last sentence of section thirty-one (31) and inserting in lieu  
 4 thereof the following:

5 "The tolls and charges shall be at all times fixed at rates sufficient  
 6 to pay the bonds and interest as they mature, together with the cre-  
 7 ation and maintenance of bond reserve funds and other funds as estab-  
 8 lished in the proceedings authorizing the issuance of the bonds."

1 SEC. 2. This Act, being deemed of immediate importance, shall  
 2 be in full force and effect from and after its passage and publication  
 3 in The Muscatine Journal, a newspaper published at Muscatine, Iowa  
 4 and in The Telegraph-Herald, a newspaper published at Dubuque,  
 5 Iowa.

Approved July 27, 1967.

This Act was passed by the G. A. on, or after, July 1, 1967.

I hereby certify that the foregoing Act, Senate File 878, was published in The Muscatine Journal, Muscatine, Iowa, August 3, 1967, and in The Telegraph-Herald, Dubuque, Iowa, August 3, 1967.

MELVIN D. SYNHORST, *Secretary of State.*

\*Chapter 255.

## CHAPTER 257

### WEIGHING VEHICLES ON HIGHWAY

S. F. 861

AN ACT relating to the state highway commission.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section three hundred twenty-one point four hundred  
 2 eighty (321.480), Code 1966, is hereby amended by striking from lines